

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

**JANICE G. THORNTON,**  
Plaintiff,

v.

**PHILPOT RELOCATION SYSTEMS, et al.,**  
Defendants.

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**No. 3:09-CV-329  
(Phillips)**

**MEMORANDUM AND ORDER**

The plaintiff has moved the court, pursuant to Rule 56(f), Federal Rules of Civil Procedure, to stay the defendants' motion for summary judgment "for 90 days or more to permit discovery to be completed." In support of the motion, plaintiff has submitted her affidavit and the affidavit of her counsel.

Under Rule 56(f), if a party opposing a motion for summary judgment "shows by affidavit that, for specified reasons, he cannot present facts essential to justify his opposition," a district court has discretion "to deny the motion, order a continuance, or issue any other just order." *White's Landing Fisheries, Inc. v. Buchholzer*, 29 F.3d 229, 231 (6<sup>th</sup> Cir. 1994). Here, the affidavit of plaintiff's counsel states that plaintiff has been unable to obtain deposition testimony to support her opposition to summary judgment because plaintiff "has been quite ill, resulting in the necessity for several surgeries. Depositions were previously set, but continued as plaintiff continued to ail."

The court finds that plaintiff has shown good reason for her inability to respond to defendants' summary judgment motion, and she has identified the claims or arguments to which she anticipates that deposition testimony will be material. Accordingly, plaintiff's motion for discovery [Doc. 34] is **GRANTED**. Plaintiff shall have sixty (60) days to complete discovery and file her response to the motion for summary judgment, said response shall be due **January 10, 2011**.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge